THE HON'BLE SRI JUSTICE E.DHARMA RAO

WRIT PETITION NO.16857 OF 2001

O R D E R:

This writ petition is filed for declaring the action of respondents in seeking to demolish the premises bearing Municipal No.7-1-6/2/3/4, Subhash Road, Secunderabad as otherwise than in due course of law as illegal, without jurisdiction and also for setting aside the letter in Lr.No.2567/TPS/MCH/SD/2001 dated 17.07.2001 on the file of the second respondent.

It is the case of the petitioner-Managing Partner of Alpha Hotel & Stores that since 1956 it is running the said hotel in the premises bearing No.7-1-6/2/3/4 situated at Subhash Road, Secunderabad on lease rent basis. After obtaining valid permission from the authorities of Municipal Corporation, the petitioner constructed the hotel and the owner has also been paying the municipal taxes regularly. As the matter stood thus, the officials of the second respondent-Municipal Corporation visited the premises of the petitioner in the first week of July 2001 and thereafter issued a letter dated 17.07.2001 informing the petitioner that he should vacate the said premises within a period of seven days for enabling the authorities to demolish the structure for the purpose of road widening. On 27.07.2001 the petitioner made a representation stating that there was sufficient open space belonging to the Government on the other side of Subhash Road. In spite of the same, there was no action taken by the respondent authorities. Hence, the owner of the said premises filed W.P.No.15911 of 2001 in respect of the premises bearing No.7-1-6/1/2/3. This Court while admitting the writ petition, granted *status quo* to be maintained in respect of the premises. As the matter relates to the property bearing No.7-1-6/2/3/4, the respondent authorities started threatening the petitioner to demolish the entire

premises. Hence, this writ petition is filed.

In the counter affidavit filed by respondents it is stated that in the interest of the public at large, the officials of the Municipality decided to widen the road. It is also stated that the writ petition is a pre matured one for the reason that even before initiating any action for demolishing the structures of the premises for the purpose of road widening, the petitioner approached this Court apprehending danger of demolition. Hence, it is liable to be dismissed.

From a reading of the record it is seen that pending consideration of the representation before the respondent authorities, this writ petition is filed. Hence, without expressing any opinion on the merits of the case, I think it just and proper to dispose of the writ petition with a direction to the respondents to dispose of the representation of the petitioner and pass appropriate orders in accordance with the provisions laid down under Sections 145, 146 and 147 of the Hyderabad Municipal Corporation Act.

The writ petition is accordingly disposed of. No order as to costs.

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E.DHARMA RAO J.,

DT.03.08.2005

TJS